

CHAPTER NO. 779

HOUSE BILL NO. 2600

By Representatives Kerr, Dunn, Odom, Hargett, Black, Baird, Garrett, Walker, Winningham, Sherry Jones, Hagood, Caldwell, West, Ferguson, Eckles, Arriola, Bone, Briley, Harwell, Gunnels, Beavers, Buttry, Patton, Ford, David Davis, Hood, Davidson

Substituted for: Senate Bill No. 2827

By Senators Burchett, Burks, Haun, Williams, Kurita, Blackburn, Atchley

AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 5, relative to cremation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-5-501, is amended by deleting subdivisions (1), (2), (3), and (6) in their entirety and by renumbering remaining subdivisions accordingly.

SECTION 2. Tennessee Code Annotated, Section 62-5-502, is amended by deleting such section in its entirety.

SECTION 3. Tennessee Code Annotated, Section 62-5-503, is amended by deleting such section in its entirety.

SECTION 4. Tennessee Code Annotated, Section 62-5-504, is amended by deleting subsection (a)(3) in its entirety and by adding the word "and" at the end of subdivision (2) of subsection (a) and by designating present subdivision (4) as subdivision (3).

SECTION 5. Tennessee Code Annotated, Section 62-5-504, is further amended by deleting subsection (b) in its entirety.

SECTION 6. Tennessee Code Annotated, Section 62-5-505, is amended by deleting such section in its entirety.

SECTION 7. Tennessee Code Annotated, Section 62-5-506, is amended by deleting such section in its entirety.

SECTION 8. Tennessee Code Annotated, Section 62-5-507(a) is amended in the first sentence by deleting the language "or the authorizing agent".

SECTION 9. Tennessee Code Annotated, Section 62-5-507(c), is amended by deleting the language "Unless the instructions contained in the cremation authorization form specifically provide otherwise, no" and by substituting instead the word "No".

SECTION 10. Tennessee Code Annotated, Section 62-5-507(c)(1), is amended by deleting the subsection in its entirety, and by substituting instead the following language:

(c) No operator of a crematory facility shall fail to cremate, in its entirety with the body, the casket or container, if any, in which the body was delivered or accepted by the crematory facility, if the instructions for the disposition of the

body so request such items to be cremated with the body; provided, that the crematory facility shall be permitted to remove any non-combustible materials from such casket or container prior to cremation.

SECTION 11. Tennessee Code Annotated, Section 62-5-507(b)(1), is amended by deleting the language "and subject to the prohibition set forth in subdivision (c)(1),".

SECTION 12. Tennessee Code Annotated, Section 62-5-507(e), is amended by deleting the language "the authorizing agent for the cremation of the decedent, and persons authorized by the authorizing agent" and by substituting instead the language "and persons authorized pursuant to the instructions of the decedent or an heir or personal representative of the decedent, if any".

SECTION 13. Tennessee Code Annotated, Section 62-5-507(f)(1), is amended by deleting the words "the cremation authorization form" and by substituting instead the language "the operator was acting under instructions which".

SECTION 14. Tennessee Code Annotated, Section 62-5-507(g), is amended by deleting the second and third sentences in their entirety.

SECTION 15. Tennessee Code Annotated, Section 62-5-507(h), is amended in the first sentence by deleting the language "to an authorizing agent or designee of an authorizing agent".

SECTION 16. Tennessee Code Annotated, Section 62-5-508, is amended by deleting subsections (a), (b) and (c) in their entirety and by renumbering subsection (d) accordingly.

SECTION 17. Tennessee Code Annotated, Section 62-5-508(d)(2)(B), is amended by deleting the language "when each authorizing agent who executed the cremation authorization form authorized the commingling of the cremated remains or the placement of the cremated remains in the same urn or temporary container on the authorization form;" and by substituting instead the language "if operating under specific instructions from the decedent or decedents or an heir or personal representative designated by the decedent or decedents to make such a decision;".

SECTION 18. Tennessee Code Annotated, Section 62-5-508(d)(2)(C), is amended by deleting the sub-item in its entirety, and by substituting instead the following language:

(C) If such person is operating under the decedent's instructions, commingle the cremated remains or body parts removed from another decedent or living person, after receipt of the cremated remains or such body parts, with those of another decedent or body parts removed from another decedent or living person.

SECTION 19. Tennessee Code Annotated, Section 62-5-509(b)(3), is amended by deleting the words "or alternative container" and by substituting instead the words "or container, if any,".

SECTION 20. Tennessee Code Annotated, Section 62-5-509(b), is amended by deleting from subdivision (6) the language "if the dead human body was donated to science for purposes of medical education or research" and by adding the following language as a new subsection (c), and by redesignating subsequent subsections accordingly:

(c) If the dead human body was donated to science for purposes of medical education or research, the receipt shall indicate the name of the person who received the decedent on behalf of the facility.

SECTION 21. Tennessee Code Annotated, Section 62-5-509, is amended by deleting subsection (c) in its entirety.

SECTION 22. Tennessee Code Annotated, Section 62-5-509(d)(2), is amended by deleting the subdivision in its entirety, and by substituting instead the following language:

(2) If the cremated remains are those of a dead human body that was donated to science for purposes of medical education or research or are those of body parts, the receipt shall be signed by both a representative of the crematory facility and the person who received the cremated remains and such receipt shall indicate the date and time of the release. For other cremated remains, the receipt required by this section shall accompany the cremated remains. The signature of the person whose name is on the delivery receipt to accept delivery of the cremated remains meets the requirement of this section that the person receiving the cremated remains sign the receipt provided by the crematory facility.

SECTION 23. Tennessee Code Annotated, Section 62-5-509(e)(3), is amended by deleting the language "subsection (b)" and by substituting instead the language "this section".

SECTION 24. Tennessee Code Annotated, Section 62-5-510, is amended by deleting subsection (a) in its entirety.

SECTION 25. Tennessee Code Annotated, Section 62-5-511(a)(1), is amended by deleting the language "in the cremation authorization form executed by the decedent on an antemortem basis" and by substituting instead the language "by the decedent or an heir or personal representative of the decedent".

SECTION 26. Tennessee Code Annotated, Section 62-5-511(a)(2), is amended by deleting the language "in a cremation authorization form executed in person by the person authorized to serve as the authorizing agent for the cremation of the decedent or for the cremation of body parts of the decedent or living person, named in the cremation authorization form" and by substituting instead the language "by the decedent or an heir or personal representative of the decedent".

SECTION 27. Tennessee Code Annotated, Section 62-5-511(b)(2), is amended by deleting the language "contained in a cremation authorization form executed that authorizes the cremation of the decedent or body parts" and by substituting instead the language "provided to the operator with respect to the cremation of the decedent or body parts".

SECTION 28. Tennessee Code Annotated, Section 62-5-511(c), is amended by deleting the subsection in its entirety and by substituting instead the following:

(c) The operator of a crematory facility is not liable for damages in a civil action in connection with the cremation of, or disposition of the cremated remains of any dental gold, jewelry, or other items of value delivered to the facility with a dead human body or body parts unless the actions or omissions of the operator were made with malicious purpose, in bad faith, or in a wanton or reckless manner.

SECTION 29. Tennessee Code Annotated, Title 62, Chapter 5, Part 5, is amended by adding the following language as a new Section 62-5-512:

Section 62-5-512. No operator of a crematory facility shall require a person to be cremated in a casket; provided, that in the discretion of the operator of a crematory facility, a container composed of readily combustible materials that is suitable for cremation, other than a casket, may be required.

SECTION 30. Tennessee Code Annotated, Section 62-5-504(a), is amended by deleting subdivision (1) in its entirety, and by substituting instead the following language:

(1) The requirements of Section 62-5-513 have been met, unless the decedent having died from a virulent communicable disease, the Department of Health or Board of Health having territorial jurisdiction where the death of the decedent occurred requires by rule or order the cremation to occur prior to such requirements being met;

SECTION 31. Tennessee Code Annotated, Title 62, Chapter 5, Part 5, is amended by adding the following language as a new Section 62-5-513:

Section 62-5-513. If a person who signs the death certificate, a district attorney or any law enforcement officer, or an emergency medical or rescue worker, emergency medical technician or paramedic who attended the person immediately prior to or after such person's death, signs a written statement requesting the delay of a cremation based upon a reasonable belief that the cause of death may have been due to other than accidental or natural causes, then the cremation of a dead human body shall be delayed based upon such request.

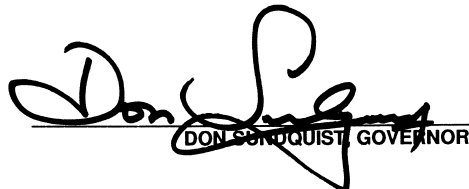
SECTION 32. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 11, 2000


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 22nd day of May 2000


DON SUNDQUIST, GOVERNOR